

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4576 OF 2004

Office notes, office Memoranda Court's or Judge's orders.
of Coram, appearance, Court's
orders or directions and
Registrar's orders.

Mr.D.S.Sawant for the Applicant.

CORAM : R.S. MOHITE, J.
DATED : 18/1/2006.

P.C.

1. This is an application for leave to file appeal. The appeal challenges a judgment and order passed by the J.M.F.C. Kankavali on 17.9.2004 acquitting the accused for offences punishable under Section 323,324,504 and 506 read with 34 of the I.P.C. On perusal of the impugned judgment and order, it appears that the same has been passed by cogent and acceptable reasons. The evidence of the complainant shows that he has first removed some stones from the bandh and therefore, incident started. He has

:2:

deposed about the injury by a blade on his shoulders. No incised wounds were found and the medical evidence indicated that the assault by blade would have caused incised wound. Apart from that, second witness who has been examined appears to have come to the spot after the incident had commenced and the complainant had fallen on the ground. He does not talk about the earlier incident. It is very difficult to take a different view than taken by the trial court. Hence, leave refused. Consequently, the appeal to stand dismissed.

(R. S. MOHITE, J.)